

ORIGINAL

CLERK'S DISTRICT COURT  
NORTHERN DISTRICT OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2023 JUN 27 PM 2:12  
DEPUTY CLERK MS

UNITED STATES OF AMERICA

NO.

v.

3 - 23 CR 0274 - L

OLAKUNLE TANIMOWO (01)  
PETER KIHWILI (02)  
WILLIE MILLER (03)

**INDICTMENT**

The Grand Jury charges:

Count One  
Conspiracy to Commit Theft of Government Money  
(Violation of 18 U.S.C. § 371)

General Allegations

At all times relevant to this indictment:

1. Unemployment Insurance (UI) was a state-federal program that provided monetary payments (benefits) to eligible lawful workers. UI benefits were intended to provide temporary financial assistance to lawful workers who were unemployed through no fault of their own. Although state welfare agencies administered their respective UI programs, they did so in accordance with federal laws and regulations. Each state set its own additional requirements for eligibility, benefit amounts, and length of time benefits were paid. In Nevada, the Nevada Department of Employment, Training, and Rehabilitation was charged with the management of unemployment benefits.

2. The President declared the ongoing coronavirus disease of 2019 (COVID-19) pandemic of sufficient severity and magnitude to warrant an emergency declaration

for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207. The President also signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Families First Coronavirus Response Act. The CARES Act created various programs designed to protect workers from the consequences of COVID-19 related unemployment. Such programs established federal funds, which were administered by the U.S. Department of Labor and were distributed through state-managed UI benefit programs.

Overview of the Conspiracy

3. Beginning in or around July 2020, and continuing into July 2021 or later, in the Dallas Division of the Northern District of Texas, and elsewhere, **Olakunle Tanimowo, Peter Kihwili, and Willie Miller**, the defendants, and other individuals known and unknown to the Grand Jury (co-conspirators) intentionally, knowingly, and willfully conspired, confederated, and agreed with each other to steal, purloin, and convert to their own use money of the United States, that is, UI benefits funded by the CARES Act, to which they knew they were not entitled, having an aggregate value exceeding \$1,000, in violation of 18 U.S.C. § 641.

Purpose of the Conspiracy

4. It was the purpose of the conspiracy that the defendants and their co-conspirators would defraud the Nevada Department of Employment Training and Rehabilitation, and other state agencies charged with managing unemployment benefits, by means of materially false and fraudulent pretenses, representations, and promises, in

order to steal, purloin, and convert to their own use money of the United States—namely, UI benefits funded by the CARES Act—to which they were not entitled.

Manner and Means of the Conspiracy

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

5. The defendants and their co-conspirators prepared and submitted applications to the Nevada Department of Employment Training and Rehabilitation claiming (a) that they were persons whom they were not, (b) that they were eligible to receive unemployment benefits under the various programs designed to protect workers from the consequences of COVID-19 related unemployment, and (c) that their current mailing address was 13005 Audelia Road, Apartment 5255, Dallas, Texas 75243, in the Northern District of Texas.

6. These applications to the Nevada Department of Employment Training and Rehabilitation contained materially false and fraudulent pretenses, representations, and promises. Named applicants had not applied for UI benefits—in fact, a number of these individuals were gainfully employed when applications were submitted in their names—and they neither received mail at, nor were otherwise associated with, the 13005 Audelia Road address.

7. After the UI cards were sent to the 13005 Audelia Road address listed in the applications, the defendants and their co-conspirators used the cards to steal, purloin, and convert to their own use UI benefits, to which they knew they were not entitled. At least 31 UI cards were sent to the 13005 Audelia Road address.

Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, the defendants and their co-conspirators committed the following acts, among others, in the Northern District of Texas and elsewhere:

8. On or about August 5, 2020, **Kihwili** used a Bank of America debit card issued in the name of M.Z. ending in 2605 to access and obtain \$1,000.00.

9. On or about August 6, 2020, **Miller** used a Bank of America debit card issued in the name of D.F. ending in 5676 to access and obtain \$1,000.00.

10. On or about August 6, 2020, **Tanimowo** used a Bank of America debit card issued in the name of D.B. ending in 8880 to access and obtain \$900.00.

11. On or about August 6, 2020, **Tanimowo** used a Bank of America debit card issued in the name of D.B. ending in 8880 to access and obtain \$100.00.

In violation of 18 U.S.C. § 371.

Count Two  
Theft of Government Money  
(Violation of 18 U.S.C. § 641)

In or around August 2020, in the Dallas Division of the Northern District of Texas and elsewhere, **Olakunle Tanimowo, Peter Kihwili, and Willie Miller**, the defendants, and other individuals known and unknown to the Grand Jury, willfully and knowingly did steal, purloin, and convert to their use UI benefits administered by the Nevada Department of Employment Training and Rehabilitation but funded and administered by the U.S. Department of Labor CARES Act funds, of a value exceeding \$1,000, of the goods and property of the United States.

In violation of 18 U.S.C. § 641.

Counts Three through Six  
Using an Unauthorized Access Device  
(Violation of 18 U.S.C. § 1029(a)(2))

In or around August 2020, in the Dallas Division of the Northern District of Texas and elsewhere, **Olakunle Tanimowo, Peter Kihwili, and Willie Miller**, the defendants, knowingly and with intent to defraud, used one or more unauthorized access devices, obtained \$1,000 or more, and by such conduct, said use affecting interstate and foreign commerce, in that **Tanimowo, Kihwili, and Miller** obtained UI benefits administered by the Nevada Department of Employment Training and Rehabilitation but funded and administered by the U.S. Department of Labor under the CARES Act, to wit:

Count	Date	Defendant	Means of Identification	Amount
3	August 5, 2020	<b>Kihwili</b>	Bank of America debit card issued in name of M.Z. ending in 2605	\$1,000.00
4	August 6, 2020	<b>Miller</b>	Bank of America debit card issued in name of D.F. ending in 5676	\$1,000.00
5	August 6, 2020	<b>Tanimowo</b>	Bank of America debit card issued in name of D.B. ending in 8880	\$900.00
6	August 6, 2020	<b>Tanimowo</b>	Bank of America debit card issued in name of D.B. ending in 8880	\$100.00

In violation of 18 U.S.C. § 1029(a)(2) and (c)(1)(A)(i).

Forfeiture Notice

(18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1029(c)(1)(C) and 28 U.S.C. § 2461)

Upon conviction for the offenses alleged in Counts One and Two of this indictment,

**Olakunle Tanimowo, Peter Kihwili, and Willie Miller**, the defendants, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(c) as incorporated by 28 U.S.C. § 2461(c), any and all property, real or personal, constituting, or derived from proceeds obtained, directly or indirectly, as a result of the respective offense.

Upon conviction for the offenses alleged in Counts Three through Six of this indictment, the defendants shall forfeit to the United States any personal property used or intended to be used to commit the offense pursuant to 18 U.S.C. § 1029(c)(1)(C); and any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the respective offense, pursuant to 18 U.S.C. § 982(a)(2)(B).

The above-referenced property subject to forfeiture includes, but is not limited to, a “money judgment” in the amount of the U.S. currency constituting the gross proceeds traceable to the offense.

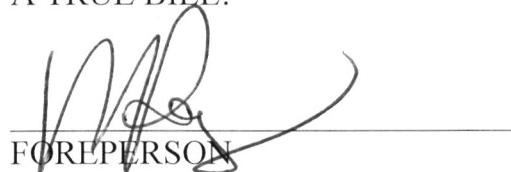
Pursuant to 21 U.S.C. § 853(p), if any of the property described above, because of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States intends to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL:



The signature is handwritten in black ink, appearing to read "W. J. Hammond". Below the signature, the word "FOREPERSON" is printed in capital letters.

LEIGHA SIMONTON  
UNITED STATES ATTORNEY



The signature is handwritten in black ink, appearing to read "Nicole T. Hammond".

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FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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THE UNITED STATES OF AMERICA

v.

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INDICTMENT

18 U.S.C. § 371  
Conspiracy to Commit Theft of Government Money  
(Count 1)

18 U.S.C. § 641  
Theft of Government Money  
(Count 2)

18 U.S.C. § 1029(a)(2)  
Using an Unauthorized Access Device  
(Counts 3 – 6)

18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1029(c)(1)(C) and 28 U.S.C. § 2461  
Forfeiture Notice

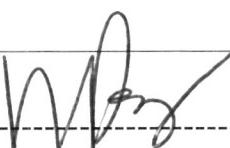
6 Counts

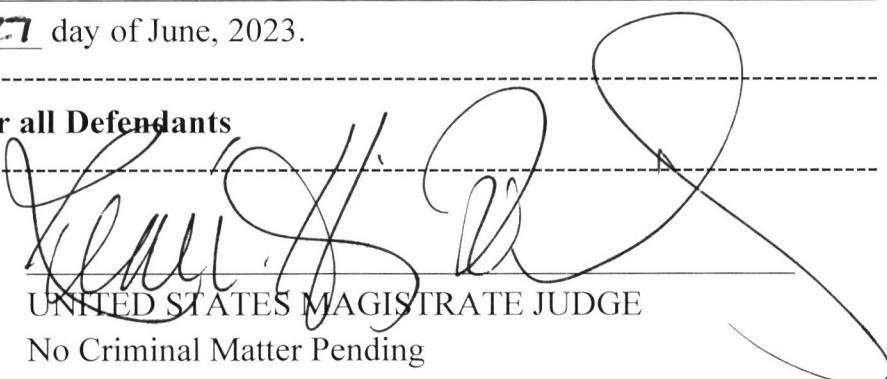
A true bill rendered

DALLAS

Filed in open court this 27 day of June, 2023.

**Warrant to be Issued for all Defendants**

  
FOREPERSON

  
UNITED STATES MAGISTRATE JUDGE  
No Criminal Matter Pending